

U.S. DISTRICT COURT

N.D. OF ALABAMA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

**SHIRLEY MCBRAYER FLOOD, as
Personal Representative of the Estate
of David Daniel McBrayer, deceased,**

Plaintiff,

V.

1:16-cv-01832-ACA

**ALABAMA PEACE OFFICERS
STANDARDS AND TRAINING
COMMISSION, et al.,**

Defendants.

ORDER

This matter comes before the court on Plaintiff Shirley McBrayer Flood’s motion for additional findings and to alter or amend the judgment. (Doc. 94). On April 15, 2019, the court entered summary judgment in favor of the City of Jacksonville, Alabama (“the City”) and against Ms. Flood on her claim that the City failed to adequately train its police officers, leading to the fatal shooting of David Daniel McBrayer. (Docs. 92, 93). Ms. Flood reiterates a number of undisputed facts from her brief in opposition to the City’s motion for summary judgment, requesting that the court supplement its decision with those facts and alter its judgment to deny the City’s motion for summary judgment. (Doc. 94).

“Under Rule 59(e) of the Federal Rules of Civil Procedure, a court may alter or amend a judgment if there is newly-discovered evidence or manifest errors of law or fact.” *Metlife Life & Annuity Co. of Connecticut v. Akpele*, 886 F.3d 998, 1008 (11th Cir. 2018). “A Rule 59(e) motion cannot be used to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment.” *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007) (alterations omitted).

Ms. Flood’s motion does not assert the existence of newly discovered evidence or manifest errors of law or fact. Most of her motion reiterates paragraphs of undisputed facts that she asserted in her brief in opposition to the City’s motion for summary judgment. (*See* Doc. 94 at 2–6). As such, the motion is an impermissible attempt to “relitigate old matters.” *Id.* Accordingly, the court **DENIES** Ms. Flood’s motion for additional findings and to alter or amend the judgment.

DONE and **ORDERED** this May 8, 2019.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE